

RESTRICTION PRESENTED

The claims have been restricted into the following groups of inventions:

<u>Groups</u>	<u>Claims</u>	<u>Subject Matter</u>
I	1-12	Drawn to a method of <u>increasing</u> the number of PGCs in an avian embryo;
II	1-12	Drawn to a method of <u>decreasing</u> the number of PGCs in an avian embryo;
III	13-15 and 17-26	Drawn to producing a chimeric avian donor PGCs from the avian species as the recipient embryo;
IV	13, 14, and 16-26	Drawn to producing a chimeric avian using donor PGCs from a different avian species as the recipient embryo;
V	27-29 and 31-37	Drawn to increasing the proportion of male birds in a plurality of bird eggs using donor PGCs from the same avian species as the recipient embryo;
VI	27, 28, and 30-37	Drawn to increasing the proportion of male birds in a plurality of bird eggs using donor PGCs from a different avian species than the recipient embryo;
VII	38-41 and 43-47	Drawn to producing avian gametes from a second avian species in a first avian species wherein the first and second avian species are the same;
VIII	38-40 and 42-47	Drawn to producing avian gametes from a second avian species in a first avian species wherein the first and second avian species are the same;
IX	48-51 and 53-57	Drawn to a method of enhancing germ line transmission of a nucleic acid molecule in a bird using donor PGCs that are from the same avian species as the recipient bird; and
X	48-50 and 53-57	Drawn to a method of enhancing germ line transmission of a nucleic acid molecule in a bird using donor PGCs that are from the same avian species as the recipient bird.

Additionally, a species election has been presented over the following species: SSEA-1, VASA, EMA-1, germ cell-less, dead end, nanos, stella, fragilis, and DAZL.

APPLICANTS' ELECTION

Applicants hereby elect the invention of **Group II, claims 1-12**, drawn to a method of decreasing the number of PGCs in an avian embryo, for prosecution at this time. Applicants further elect the following species upon which a search can be initiated: **DAZL**.

REMARKS

I. Status Summary

Claims 1-57 are now pending in the subject U.S. patent application. Claims 1-57 as filed have been subjected to a Restriction/Election Requirement.

The specification has been objected to on two bases. First, the United States Patent and Trademark Office (hereinafter "the Patent Office") has requested that each of Figures 1-3 be described in separate paragraphs beginning on page 9. Second, the Patent Office asserts that the instant application fails to comply with the requirements of 37 CFR §§ 1.821 through 1.825 because the amino acid sequence on page 13, lines 5-6, requires a SEQ ID NO.

The specification has been amended and a Substitute Sequence Listing has been submitted. Applicants respectfully submit that the amendments to the specification and the Substitute Sequence Listing include no new matter. Applicants respectfully request that the instant amendments and Substitute Sequence Listing be entered and that the instant application be examined in view of these items.

II. Response to the Objections to the Specification

The specification has been objected to on the contention that each of Figures 1-3 should be described in separate paragraphs beginning on page 9, and also the instant application fails to comply with the requirements of 37 CFR §§ 1.821 through

1.825 because the amino acid sequence on page 13, lines 5-6, requires a SEQ ID NO.

The specification of the instant application has been amended to address these objections. First, the specification has been amended to add six (6) paragraphs to the Brief Description of the Drawings section on page 9. These six paragraphs describe the nature of Figures 1-3 individually. Support for the amendment to the specification can be found in Example 2. Thus, no new matter has been added by the amendment to page 9 of the instant specification.

Additionally, the specification has been amended at page 13 to include a sequence identifier for the DEAD amino acid sequence disclosed on page 13, lines 5-6 (now SEQ ID NO: 9). Accordingly, no new matter has been added to the specification as a result of the amendment.

As a result of the amendment to page 13 of the specification, a Substitute Sequence Listing has been submitted herewith. The Substitute Sequence Listing is identical to the Sequence Listing originally filed with the instant application with the exception of the addition of SEQ ID NO: 9. Accordingly, the Substitute Sequence Listing includes no new matter.

Applicants respectfully request that the Sequence Listing originally filed with the instant application be replaced with the Substitute Sequence Listing submitted herewith. A Computer Readable Form (CRF) is also enclosed, as is a statement confirming that the paper and CFR versions are identical.

Summarily, the amendments to the specification submitted herewith are believed to address the objections to the specification presented in the Restriction/Election Requirement. Applicants respectfully request that the objections be withdrawn at this time.

III. Response to the Restriction/Election Requirements

In response to the Restriction/Election Requirements, applicants have elected the claims of **Group II, Claims 1-12**, for prosecution at this time. Applicants have

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further elected the species DAZL upon which the instant prosecution can be initiated. Applicants respectfully submit that claims 1-12 all read on the elected Group and species.

Applicants hereby reserve the right to file one or more divisional patent applications including claims directed to the unelected subject matter. Applicants further reserve the right to request rejoinder of the unelected claims as might be appropriate as prosecution of the instant U.S. patent application progresses.

### CONCLUSIONS

Should there be any minor issues outstanding in this matter, the Examiner is respectfully requested to telephone the undersigned attorney. Early passage of the subject application to issue is earnestly solicited.

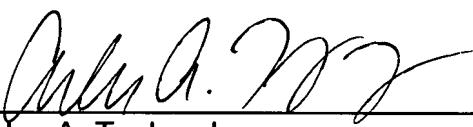
### DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account Number **50-0426**.

Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.

Date: June 14, 2007

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